

**Supplemental  
Notice of Allowability**

**Application No.**

10/654,301

**Examiner**

CUONG H. NGUYEN

**Applicant(s)**

ROSS ET AL.

**Art Unit**

3661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/26/2010.
2. ☒ The allowed claim(s) is/are 26, 12, 14, and 23-24; they are renumbered as claims 1-5.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/CUONG H. NGUYEN/  
Primary Examiner, Art Unit 3661

1. This Office Action is an answer to an Amendments to the Claims filed on 5/26/2010.
2. Claims 1-5, 8-10, 12, 14, 23, 24, 26, and 27 remain in the application, wherein claims 1-5, 8-10, and 27 have been withdrawn. The prior restriction/election requirement was made final because of different scopes are claimed (i.e., method steps vs. physical components claims in a unique invention: a method claim is not automatically equivalent to a concrete physical system claim, it must be structural tied to a physical system) therefore different search strategies must be done to completely cover all claimed subject matters; further, a wireless communication between a call center and a telematic unit (e.g., a cell-phone) have been known, a cell-phone is also considered a telematic unit by itself (not necessary requiring a vehicle).
- claims 3, 5, and 8 are amended to include “fixed status” of an object; the examiner submits including this feature does not closely tie a claimed method to a claimed structures.
- applicant argues that “the telematics unit determines whether the associated components are in a modifiable state” – this is not an inventive concept since determining if a condition is changed/modified/edited is merely an “if condition” that has been implemented with computer software.

***Examiner's amendment:***

3. An examiner's amendment to the record appears below. Withdrawn claims 1-5, 8-10, and 27 now would be canceled for this allowance. Should the changes and/or additions be unacceptable to applicant(s), an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 1-5, 8-10, and 27 are cancelled.

*Allowable subject matter*

4. Pending claims 26, 12, 14, and 23-24 are patentable over two cited references of Matula et al., and Rigo et al., because these prior art do not make obvious a system for providing vehicle settings for a telematics unit in a mobile vehicle, the system comprising:

- a call center configured to receive a vehicle settings update signal from the telematics unit; a voice portal configured to provide interaction between the mobile vehicle and an application operating within an application server at the call center to determine a download status of the telematics unit and associated components, wherein the download status is a fixed status requiring the mobile vehicle to maintain a stationary period for a predetermined fixed time period; a database for storing the vehicle settings when the download status of the telematics unit and associated components is negative; and a modem bank for transmitting the vehicle settings from the call center to the telematics unit when the download status of the telematics unit and associated components is positive, wherein if the download status is positive, the mobile vehicle has maintained the stationary position for the predetermined fixed time period, and wherein the transmitted vehicle settings are selected from modifying power train behavior, modifying seat behavior, modifying mirror behavior, and combinations thereof.

wherein computer codes configured for:

a web portal interface configured to transmit processing a user preference to the call center prior to the call center receiving the vehicle personalization settings update signal; and a voice portal configured to provide the interaction between the mobile vehicle and the application operating within the application server at the call center to determine a store status for the vehicle

settings when the download status of the telematics unit and associated components is negative.

*Conclusion*

5. Claims 26, 12, 14, and 23-24 are allowed, they are renumbered as claims 1-5.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CUONG H. NGUYEN/  
Primary Examiner  
Art Unit 3661

Application/Control Number: 10/654,301

Page 5

Art Unit: 3661